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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,154	03/30/2001	Robert A. Immerman	IN0191US (#90067)	6306
28672	7590	11/20/2003	EXAMINER	
D. PETER HOCHBERG CO. L.P.A. 1940 EAST 6TH STREET CLEVELAND, OH 44114			WOOD, KIMBERLY T	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

***Response to Amendment***

The second preliminary Amendment filed on August 27, 2003 has been disapproved therefore, entry of the preliminary amendment has been denied.

Once the examiner has started to prepare a first Office action, entry of a preliminary amendment may be disapproved if the preliminary amendment unduly interferes with the Preparation of the first Office action. Applicants are encouraged to file all preliminary amendments with the application or as soon as possible thereafter. Entry of a preliminary amendment will not be disapproved if it is filed no later than:

- (A) 3 months from the filing date of the application under 37 CFR 1.53(b);
- (B) 3 months from the date the national stage is entered as set forth in 37 CFR 1.491 in an international application;
- (C) the filing date of a CPA under 37 CFR 1.53(d); or
- (D) the last day of any suspension period requested by applicant under 37 CFR 1.103 (see MPEP § 709).

If a preliminary amendment is filed after these time periods, entry of the preliminary amendment may be denied subject to the approval of the supervisory patent examiner (MPEP § 1002.02(d)).

The second preliminary amendment filed on August 27, 2003 will not be entered into the application because the amendment unduly interferes with the preparation of the first office action and fails to meet the requirements stated above. The examiner mailed a first office action on September 3, 2003 in response to Amendment F filed on July 17, 2003. The applicant is required to respond to the office action mailed on September 3, 2003 within 3 months from the mailing date. Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.

#### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Wood whose telephone number is (703) 308-0539. The examiner can normally be reached on Monday-Thursday from 7:30 AM to 5:00 PM. Any inquiry of a general nature or relating to the status of

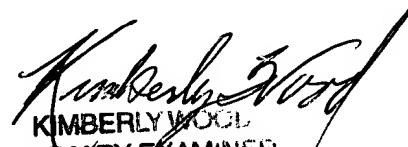
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this application should be directed to the Group receptionist whose telephone number is (703) 308-2168. The fax number for an Official Amendment or Response is (703) 872-9306. The fax number for an Unofficial Amendment or Response is (703) 308-3519.

Kimberly Wood  
Primary Examiner  
November 17, 2003



KIMBERLY WOOD  
PRIMARY EXAMINER



LESLIE A. BRAUN  
SUPERVISORY PATENT EXAMINER